

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DEMOCRACY NORTH CAROLINA, THE LEAGUE  
OF WOMEN VOTERS OF NORTH CAROLINA,  
DONNA PERMAR, JOHN P. CLARK, MARGARET  
B. CATES, LELIA BENTLEY, REGINA  
WHITNEY EDWARDS, ROBERT K. PRIDDY II,  
WALTER HUTCHINS, AND SUSAN SCHAFFER,

*Plaintiffs,*

v.

THE NORTH CAROLINA STATE BOARD OF  
ELECTIONS; DAMON CIRCOSTA, in his  
official capacity as CHAIR OF THE  
STATE BOARD OF ELECTIONS; STELLA  
ANDERSON, in her official capacity  
as SECRETARY OF THE STATE BOARD OF  
ELECTIONS; KEN RAYMOND, in his  
official capacity as MEMBER OF THE  
STATE BOARD OF ELECTIONS; JEFF  
CARMON III, in  
his official capacity as MEMBER OF  
THE STATE BOARD OF ELECTIONS; DAVID  
C. BLACK, in his official capacity  
as MEMBER OF THE STATE BOARD OF  
ELECTIONS; KAREN BRINSON BELL, in her  
official capacity as EXECUTIVE  
DIRECTOR OF THE STATE BOARD OF  
ELECTIONS; THE NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION; J. ERIC  
BOYETTE, in his official capacity as  
TRANSPORTATION SECRETARY; THE NORTH  
CAROLINA DEPARTMENT OF HEALTH AND  
HUMAN SERVICES; MANDY COHEN, in her  
official capacity as SECRETARY OF  
HEALTH AND HUMAN SERVICES,

*Defendants,*

and

Civil Action

No. 20-cv-00457

**LEGISLATIVE DEFENDANTS'  
MOTION TO DISMISS IN PART  
PLAINTIFFS' SECOND AMENDED  
COMPLAINT**

PHILIP E. BERGER, in his official  
capacity as PRESIDENT PRO TEMPORE OF  
THE NORTH CAROLINA SENATE; and  
TIMOTHY K. MOORE, in his official  
capacity as SPEAKER OF THE NORTH  
CAROLINA HOUSE OF REPRESENTATIVES,

*Legislative Defendant-  
Intervenors.*

**LEGISLATIVE DEFENDANTS' MOTION TO DISMISS  
PLAINTIFFS' SECOND AMENDED COMPLAINT IN PART**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Legislative Defendants respectfully move for this Court to dismiss counts 1, 2, 3, and 4 of Plaintiffs' second amended complaint (Doc. 30). The motion should be granted for the reasons stated in the accompanying brief in support.

Dated: July 2, 2020

/s/ Nicole J. Moss  
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Intervenors*

Respectfully submitted,

/s/ David H. Thompson  
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*Counsel for Legislative  
Defendant-Intervenors*

*\*Notice of Appearance  
Forthcoming*

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that on the 2nd day of July, 2020, she electronically filed the foregoing Legislative Defendants' Motion To Dismiss in Part Plaintiffs' Second Amended Complaint with the Clerk of the Court using the CM/ECF system, which will send notification of such to all counsel of record in this matter.

/s/ Nicole J. Moss  
Nicole J. Moss